EXHIBIT 1

THE EASTMAN LAW FIRM

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October 16, 2019

BY EMAIL
AND CERTIFIED MAIL

Rick Voytas
ROSS & VOYTAS, LLC
12444 Powerscourt Drive, Suite 370
St. Louis, MO 63131
rick@rossvoytas.com

Re: Theresa Johnson v. Law Offices of Jeffrey Lohman, P.C., 4:19-cv-00457-AGF

Dear Rick:

As you know, I represent Co-defendant Law Offices of Jeffrey Lohman, P.C. (hereinafter, "Lohman") in the above-referenced matter, currently pending before the United States District Court for the Eastern District of Missouri, Eastern Division. I sincerely regret that the first time I address a letter to you, it has to be this one. Nevertheless, for the purpose of saving the parties' time and money in the litigation of crucial factual issues affecting my client, I hereby encourage you and your client, Theresa Johnson, to voluntarily withdraw its allegations that the Lohman firm was paid from monies Mrs. Johnson paid the now dismissed co-defendant, Burlington Financial Group, LLC.

As you know, Mrs. Johnson neither paid, nor had knowledge that Burlington would pay or actually did pay Lohman any money, nor that Lohman would act in any fashion as partner of any other defendant to provide any services to Mrs. Johnson, as incorrectly alleged at Paragraphs, 13, 42, 74, 75, 80, 94 and 114 of the First Amended Petition (ECF No. 3). Mrs. Johnson's testimony was also clear that she never received legal advice from Lohman as to how to handle state court litigation in Missouri, as to how to handle her debt problems, nor as to how to improve her credit situation. In fact, per her own testimony, Mrs. Johnson was never the object of any solicitation for representation by Lohman concerning her debt problem, but solely received advice concerning potential telephonic harassment by creditors, and potential claims under the Telephone Consumer Protection Act that Mrs. Johnson may have had, contrary to the allegations in Paragraphs 10, 67, 68, 77, 78, 79, 89, 90, 91, 99, 101, 102, 104, 105, 106, 108, 109, 111 and 115. See Deposition testimony of Theresa Johnson, ECF No. 23, Exhibit 1 thereto.

Rule 11 imposes a duty upon an attorney to make reasonable inquiry to assure that all pleadings, motions and papers filed with the court are factually well-grounded, legally tenable and not interposed for any improper purpose. The District Court has made it clear that where a court

determines that a pleading has been filed or maintained, either with an improper purpose, or without adequate review of the underlying facts and evidence, Rule 11 sanctions must be necessarily imposed. See Franklin v. Pinnacle Entertainment, Inc., 289 F.R.D. 278, 285 (E.D.Mo. 2012).

The sworn testimony at ECF No. 23, Exhibit 1, pertaining to Plaintiff's deposition taken more than a week before the offending pleading, clearly establishes the falsity of many of the complaint's allegations. Namely, any and all assertions that Lohman received any monies paid by Mrs. Johnson, or any other party on her behalf, or that the Lohman firm offered to represent her with respect to her debt's settlement, collection actions, or credit repair, have absolutely no factual foundation and were clearly interposed either with an improper purpose, or without a cursory review of the deposition testimony. Continuing with such implausible allegation runs afoul of the provisions of Federal Rule of Civil Procedure 11 and this letter is a good faith notice of conduct we consider to be proscribed by Fed.R.Civ.P. 11.

In compliance with the Rule 11 procedural requirements, I hereby include a copy of the motion requesting sanctions that will be filed if you do not withdraw the First Amended Petition, or appropriately correct the contentions discussed in the attached motion within twenty-one (21) days.

Sincerely,

Gary T. Eastman

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